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Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

SECTION 20. MISCELLANEOUS PERSONNEL MATTERS

20-1 Deleted

20-1.1 Deleted

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 02-26-2007 BY 60324 AUC BAW/CPB/STP

20-1.2 Deleted

20-2 Deleted (See *Security Policy Manual* at http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm)

20-2.1 Address and Telephone Number (See MIOG, Part 2, 16-9.1 (9).)

Report to FBIHQ each change in address of an employee (separations from Bureau excluded) on Form FD-310. The FD-310 is printed through BPMS - Address/Locator.

20-2.2 Births

Employees may have births announced in "The Investigator" by e-mailing that information to Investigator.

20-2.3 Deaths

20-2.3.1 Deaths of Relatives

Submit Form FD-208 in cases of death of a close relative of an employee. The deaths of other relatives need not be reported unless there is a particular reason why FBIHQ should be advised. If the employee is temporarily assigned elsewhere, as in cases where on an inspection assignment, the official to whom he/she is then assigned should notify FBIHQ in addition to notifying the employee's office of assignment.

20-2.3.2 Death of Bureau Employee

When a Bureau employee dies, promptly notify FBIHQ of death and surrounding circumstances. Render all assistance possible to relatives. Promptly advise FBIHQ of funeral details as soon as available since this information is disseminated throughout FBIHQ and the field. FBIHQ will then issue instructions separately regarding handling of certain aspects of the deceased's estate which pertain to employment.

20-2.4 Deleted

20-2.4.1 Return to Duty

(1) In those instances in which FBIHQ has been advised of an employee's absence for illness, Form FD-277 must be submitted upon return to duty with the following items executed for Agent personnel:

(a) Physician's statement indicating employee's qualification for duty;

(b) "Employee returned to active duty _____."

(c) "Employee's physical condition is _____."

(2) Only items (b) and (c) need be executed for support employees. If condition warrants an Agent having medical mandates (restrictions), indicate on Form FD-277 that this is being done UACB.

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20-2.5 Deleted (See *Security Policy Manual* at http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm)

20-2.6 Name of Parent, Foster Parent, Stepparent, Guardian, etc.

Advise FBIHQ of change by letter using FBI memorandum paper. Communication must set out name, address, age, place of birth, occupation, and, if pertinent, date and place of naturalization.

20-2.7 Emergency Notification Designee

Advise FBIHQ of change in information regarding person to be notified in case of emergency by reporting change on Form FD-310. The FD-310 is printed through BPMS - Address/Locator.

20-2.8 Deleted

20-3 FBI SKILLS BANK

The FBI Skills Survey Form, X422, must be completed by all employees entering on duty. Thereafter, forms will be updated annually on a preprinted form. Each employee will receive the preprinted form in October or November. The Skills Form will be used to maintain an automated data base from which all personnel information, including skills data, can be obtained. The data is used for a variety of functions, including resource management projections, staffing, crisis management, and for further development and implementation of other automated systems. Data obtainable includes, but is not limited to, employees' hobbies, interests, abilities, and experience; educational levels; special Bureau qualifications; and personnel information, such as age, assignment(s), grade(s), etc. Data can be obtained or manipulated depending upon information needed.

20-4 PERSONNEL FILES

20-4.1 Field Personnel Files

(1) One field personnel file is to be maintained for each employee and kept in the sole possession of the SAC. The file should contain memoranda or other documents bearing on the employee's efficiency, or on such matters as authorizing an Agent to carry a personal firearm. There should only be one copy of each document and it should be serialized, stamped with the office stamp, and initialed for filing. When an employee is transferred to a new office, their personnel file is sent there and the new office continues to serialize where the previous office left off. The index must be searched to locate any investigative files regarding the employee when an employee reports to an office. Duplicate serials from the investigative file should be discarded and the remaining serials consolidated into the personnel file. (See MAOP, Part 1, 11-1.3(1), Part 2, 2-4.2.1(4) and Legal Attache Manual, Section 4-3.)

NO documentation regarding Equal Employment Opportunity (EEO) discrimination matters, to include precomplaint counseling, is to be placed in any personnel file or field office file. Examples of such documents are: EEO settlement agreements, EEO administrative leave matters, notification communications to division heads advising that a complaint was filed, and communications from complainants, their attorneys, the FBI's Office of Equal Employment Opportunity Affairs (OEEOA) and the Equal Employment Opportunity Commission, which identify complainants. This also includes any and all documents generated during an EEO complaint investigation. To maintain confidentiality throughout the EEO process, all such documentation is to be retained by the OEEOA, unless advised to the contrary by OEEOA. Documents pertaining to EEO administrative matters, which DO NOT relate to or identify an EEO complainant are not considered confidential and may be serialized in a personnel file or field office file as deemed appropriate. For example, documents that do not relate to or identify the EEO complainant are as follows: a memorandum from DOJ, EEOC, legal opinion from OGC, training materials, and ECs with updates

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regarding some aspects of the program. In any instance where assistance is needed to determine where a document should be filed, contact should be made with the OEEOA at FBIHQ,

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(2) Medical Records - See MAOP, Part 1, 24-11

(3) Deleted (See *Security Policy Manual* at http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm)

(4) When an employee transfers to FBIHQ or becomes an SAC, the personnel file, the Employee Medical File System (EMFS) subfile and the Employee Security subfile are sent to FBIHQ. The files of an employee who resigns or retires should be retained for 90 days and then sent to FBIHQ for final disposition. The files of a permanent or temporary indefinite employee leaving for military service are maintained in the field office inasmuch as employees have certain mandatory restoration rights and may return to that office, and because, in their absence, they have a right to be considered for promotions that arise. The file should thus be available for review for qualifications. Upon notification from FBIHQ that an employee no longer has restoration rights, the files are to be forwarded to FBIHQ. (See (2) and (3) above and MAOP, Part 1, 24-11, and Part 2, 2-4.2.1(4).)

(5) The main personnel file and the corresponding EMFS subfile and Employee Security subfile must be kept under lock and key under the SAC's supervision in such a manner that no employee will have access to his/her own file.

20-4.2 Employees' Access to Personnel Files (See MAOP, Part 1, 1-15.1, 1-3.6; Part 2, 9-12; MIOG, Part I, 190-2.6; Legal Attache Manual, Part 1, 4-3.)

(1) An employee may request and be afforded access to his/her official personnel file without submitting a Privacy Act request. For the purposes of this access provision, an official personnel file is defined as an employee's 67 file record along with any subfiles which exist as a part of the 67 file record such as the Sub M, Sub S, etc. Any employee for whom there are both a field office file and an FBI Headquarters (FBIHQ) file will have the option of indicating whether he/she wants access to one or both files. To access his/her official personnel files without submitting a Privacy Act request, an employee should execute an FD-834.

(2) With the exception of LEGATs, each FBIHQ division and field office will be responsible for responding to requests for access to official personnel files by employees assigned to their respective division/office. (LEGATs will forward requests from employees assigned to their offices to FBIHQ for handling.) Field offices will also be responsible for handling requests from employees assigned to resident agencies within that office's territory.

(3) Field office employees will submit an executed FD-834 to the Special Agent in Charge (SAC) or Assistant Director in Charge (ADIC). FBIHQ employees will submit an executed FD-834 to the Assistant Director (AD) of their assigned division or their office head.

(4) An employee's field office personnel file will be made available for inspection within 15 days of his/her request. An employee's FBIHQ personnel file will be made available for inspection within 45 days of his/her request. The 15- and 45-day periods for providing access to field office and FBIHQ personnel files, respectively, will begin upon RECEIPT of the employee's request by the SAC, ADIC, AD or office head.

(5) Upon review of the file, an employee will be afforded an opportunity to submit to the respective SAC, ADIC, AD or office head a response or rebuttal to any information in his/her official personnel file for inclusion in that file.

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20-5 HEALTH CARE PROGRAMS - SEE MAOP, PART 1, SECTION 24

20-5.1 Moved to MAOP, Part 1, 24-3, 24-3.1, 24-3.2, 24-3.3, and 24-3.5

20-5.1.1 Moved to MAOP, Part 1, 24-3, 24-3.1, 24-3.2, 24-3.3, and 24-3.5

20-5.1.2 Moved to MAOP, Part 1, 24-3.6

20-5.1.3 Moved to MAOP, Part 1, 24-3.8

20-5.1.4 Moved to MAOP, Part 1, 24-3.7

20-5.1.5 Moved to MAOP, Part 1, 24-3.5

20-5.1.6 Deleted

20-5.1.7 Moved to MAOP, Part 1, 24-9

20-5.2 Moved to MAOP, Part 1, 24-4

20-5.2.1 Moved to MAOP, Part 1, 24-4.1

20-5.2.2 Moved to MAOP, Part 1, 24-4.2

20-5.3 Deleted

20-5.4 Moved to MAOP, Part 1, 24-7

20-5.5 Moved to MAOP, Part 1, 24-8

20-5.5.1 Moved to MAOP, Part 1, 24-8.1

20-5.5.2 Moved to MAOP, Part 1, 24-8.2

20-5.5.3 Moved to MAOP, Part 1, 24-8.3

20-5.6 Moved to MAOP, Part 1, 24-9

20-6 OUTSIDE EMPLOYMENT (See MAOP, Part 1, 1-16, 1-24, 20-6.3.2 and 20-28; Legal Attache Manual, 4-10; MIOG, Part 1, 67-11, Security Policy Manual)

20-6.1 Departmental Order 350-65 (See MAOP, Part 1, 20-28; MIOG, Part 1, 67-11.)

(1) No employee may engage in any outside employment that will interfere with proper performance of his or her official duties, create or appear to create a conflict of interest, or reflect adversely on the Department. A "conflict of interest" exists whenever the performance of the duties of an employee has or appears to have a direct or predictable effect on a financial interest of such employee or of their spouse, minor child, partner, or person or organization with which he or she is associated or is negotiating for future employment.

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(2) No professional employee may engage in the private practice of his or her profession, such as law, although the Deputy Attorney General may on request make a specific exception in unusual circumstances. (See MAOP, Part 1, 1-1(2).)

(3) Except in the proper discharge of his or her official duties, no employee may act as an attorney (a) for prosecuting any claim against the United States or receive any gratuity or interest in any such claim for his or her assistance in prosecution thereof or (b) for anyone before any department, court, office, or commission in any matter where the United States is a party or has a direct and substantial interest; or directly or indirectly receive or solicit any compensation for services rendered by himself or herself or another before any department, court, etc. An employee may, if it is not otherwise inconsistent with proper performance of his or her duties, (a) act as attorney without pay for any person in a federal personnel administration proceeding or; (b) represent any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children; or, (c) with FBIHQ approval, act as attorney with or without pay for a member of his or her family or other person or estate for which he or she is executor or other personal fiduciary, except in matters he or she participated in personally and substantially as a government employee through decision, recommendation, investigation, etc., or matters which are the subject of his or her official responsibility. Exception (b) applies only so long as the matter at issue is not a claim; a judicial or administrative proceeding where the organization or group is a party; or involves a grant, contract, or other agreement (including a request for such items) providing for the disbursement of federal funds to the organization or group. This is not to say that an employee is prohibited from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt. (See MAOP, Part 1, 1-1(2).)

(4) No one whose government employment has ended may knowingly act as an attorney for anyone other than the United States in connection with any proceeding wherein the United States has a direct or substantial interest and wherein he or she participated personally and substantially while an employee.

(5) No former employee may, within two years after his or her employment has ended, appear personally before any court or government office as attorney for anyone other than the United States in connection with any matter wherein the United States has a direct or substantial interest, which was under his/her official responsibility as a government employee at any time within two years preceding the termination of such responsibility. (See MAOP, Part 1, 1-1 (11)(g).)

(6) No partner of an employee may act as attorney for anyone other than the United States in connection with any matter wherein the United States has a direct or substantial interest in which matter such employee is participating or has participated personally and substantially as an employee, or which is the subject of his/her official responsibility.

(7) All employees have been furnished a copy of the Ethics Handbook, which summarizes Departmental Order 360-65, and must comply with its provisions.

20-6.2 Deleted (See *Security Policy Manual* at http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm)

20-6.3 Bureau Policy (See MAOP, Part 1, 1-9, 20-28; MIOG, Part 1, 67-11.)

The Bureau desires wherever possible to grant requests for outside employment; however, in reviewing such requests the Bureau must consider the following factors:

- (1) Legal restrictions or statutes and departmental regulations
- (2) Conflict with or capitalization on Bureau employment
- (3) Whether compatible with position as employee of law enforcement agency

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- (4) Nature of employment and employer
- (5) Interference with regular attendance or efficient performance of duties (employee's current work performance should be no less than Meets Expectations)
- (6) Interference with general availability of employee
- (7) Impairment of health or efficiency of employee

20-6.3.1 Special Factors (See MAOP, Part 1, 20-28 and Legal Attache Manual, Part 1, 4-10; MIOG, Part 1, 67-11.)

- (1) Dual compensation - Federal employees are not entitled to receive basic compensation from more than one civilian government job for more than an aggregate of 40 hours of work in any calendar week. Bureau positions being typically full time, not part time, the law thus prevents our employees from holding any other federal job.
- (2) The Bureau will not approve outside employment on the part of any of its employees in lines of work where the duties would be questionable or might reflect adversely on employee or the Bureau; employments involving forms of gambling, or evasions of the law are obviously employments that the Bureau will not approve.
- (3) No employee will be allowed to work for any concern which has received unfavorable publicity regarding its merchandise, methods, or general reputation of its employees.
- (4) If a Bureau employee has been approved to engage in outside employment and a situation occurs wherein it is questionable to allow the continuation of such employment, the Security Officer should immediately advise the SAC and notify the Security Programs Manager only if there is an extensive trustworthiness issue.
- (5) An employee on sick leave undoubtedly will, by the same token, be unable to engage in an outside job. If he/she desires to do so on any day for which sick leave has been requested, he/she must secure prior Bureau (SAC, Legat, or Security Programs Manager) approval.
- (6) Security reasons dictate that no employee should submit to a polygraph examination as a prerequisite for outside employment.
- (7) Wives of Legal Attaches and other personnel assigned abroad are not to accept outside employment in the country to which they are stationed without Legal Attache approval.

20-6.3.2 Outside Employment of Special Agents (See MAOP, Part 1, 1-1 (10), 1-16, 1-24, 20-6.1, 20-28; MIOG, Part 1, 67-11.)

Outside employment may create a conflict of interest, reflect adversely upon the FBI, or interfere with the complete availability or the proper and effective performance of the duties of the Special Agent position and accordingly is prohibited by law, Bureau policy and the Code of Federal Regulations.

- (1) It is the intention of Bureau policy to prohibit outside employment activities wherein a Special Agent renders services or is actively or materially involved in managing, creating, developing or transforming something to produce economic gain or to generate income pursuant to an informal or formal contract. The nature of the activity, the extent of the Special Agent's participation, and the understanding between the parties are factors considered in making a determination.
- (2) For purposes of applying this prohibition against compensated outside employment, the receipt of economic benefit or gain for work is the essence of employment. This includes gain derived from personal services actually rendered, wages, salaries, honoraria, commissions, professional fees and any other form of compensation or thing of value. (See MAOP, Part 1, 1-1(2).)
- (a) Self-employment is considered to be outside employment.

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(3) A Special Agent shall not:

(a) Engage in any compensated outside employment except as permitted by this section;

(b) Receive compensation for serving as an officer or board member of any association, corporation, or other entity, to include nonprofit entities such as charitable organizations and professional associations, as well as any unit of state or local government;

(c) Accept a fee from an outside source on account of a public appearance, speech, lecture or publication if the public appearance or the preparation of the speech, lecture, or publication is part of the official duties of the Agent;

(d) Receive compensation or anything of monetary value for any consultation, lecture, teaching, discussion, writing or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department of Justice or Federal Bureau of Investigation, or which draws substantially on official data or ideas which have not become part of the body of public information;

(e) Engage, whether with or without compensation, in teaching, lecturing or writing that is dependent on information obtained as a result of his/her government employment except when that information has been made available to the general public or when the Deputy Attorney General gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(4) Uncompensated participation in civic, religious or charitable activities or organizations will not be considered employment.

(5) An Agent may receive compensation for hobby, recreational and writing activities, which have not been formally or informally contracted for in advance, provided the activity is not prohibited by any other manual provision, statute or regulation and will not create or appear to create a conflict of interest, reflect adversely upon the Department of Justice, or in any manner interfere with the complete availability or the proper duties of the Special Agent position.

(6) Special Agents are obviously permitted to manage their own assets and to generate income through outside passive-type investments such as stocks, bonds, annuities, income from life insurance contracts and endowment contracts, interest, dividends, capital gains, and nominal rental property to name a few.

(a) Agent involvement with rental property may often constitute outside employment based on the Agent's degree of active participation or involvement. The rental of property will be considered outside employment when the Agent's involvement consists of more than the mere collection of rents, occasional minimal maintenance, etc., such as to call into question the Agent's availability or would otherwise be inconsistent with this policy. For example, while it is permissible to rent a portion of one's primary residence, an entire residence as a result of an official transfer, or vacation property, it is impermissible to regularly purchase, refurbish, and sell houses, directly collect rents from several tenants in an apartment complex or several residences unless managed by another, such as a rental management company.

20-7 FLEXIBLE AND ALTERNATE WORK SCHEDULES (AWS) (See also MAOP, Part II, 1-2.4.2.)

20-7.1 Flexible Schedules (See MAOP, Part I, 8-6(3), Part II, 1-2.4.2.)

(1) A flexible work schedule or flexitime is any schedule which provides support and Wage Board personnel (hereinafter, support employees) a measure of control over their own working hours. Flexitime breaks the workday into two distinct kinds of time: core time is the portion of the day when all employees must be at work, and flexible time is the portion of the workday when the employee has the option of choosing a starting and quitting time, within prescribed limits. This represents an alternative to the traditional fixed, rigidly controlled work schedules, but is not meant to replace the traditional work schedules nor the odd-hour shifts. (See MAOP, Part I, 20-8.)

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(2) The two requirements of any flexible work schedule are:

(a) The employee must be at work during core time, except for leave and other authorized absences.

(b) The employee must account for the total number of hours scheduled for work each day.

(3) Each SAC or division head must ensure the availability of sufficient personnel to adequately discharge the FBI's responsibilities. Therefore, the granting of flexible work schedules, as with the granting of leave, must have the approval of designated supervisory personnel.

(4) The utilization of a flexible work schedule within each division will be at the discretion of each SAC or division head, or their designee. The most extensive flexible work schedule will permit the flexible bands to start at 6 a.m. and end at 6 p.m. at 15- minute increments with provisions for a mid-day flex and core-time deviation. The SAC or division head may institute more restrictive use of flexible work schedules at any time, consistent with work requirements within each office.

(5) Employees on flexible work schedules should neither receive favored treatment nor be penalized as a result of flexitime, but rather, they should be treated in an equitable manner with employees working on a standard nonflexible work schedule.

20-7.2 Alternate Work Schedules (AWS) (See MAOP, Part 1, 8-6(3); Part 2, 1-2.4.2(3).)

(1) AWS are schedules that offer support and Wage Board employees (hereinafter referred to as support employees) the option of establishing a permanent schedule that compresses their basic work requirement of 80 hours into a period of less than the traditional 10 days in a biweekly period which fulfills their personal scheduling needs and meets the responsibilities of the FBI. Part-time employees may also participate in AWS by fulfilling their basic work requirement of 16-32 hours per week in less than the normal two to four days per week. The AWS Program provides support employees much more flexibility in scheduling their workday and week than the conventional flexitime schedule. AWS should not be confused with odd hour shifts. Because of overtime, premium pay and holiday pay restrictions, participation is voluntary--support employees cannot be required to work AWS.

(2) Implementation of an AWS Program is at the discretion of each SAC, division head, or their designee who may limit participation by individual, group, function or the entire office to ensure the availability of sufficient personnel to adequately discharge the responsibilities of the FBI. Final approval of AWS rests with the office or division head, or their designee. AWS is a time capture matter which should be recorded by the time and attendance person at the initiating office or division; no input from FBIHQ is required.

(3) Participation in AWS is open to support employees, including part-time and odd-hour shift employees; however, approval of any AWS, as with leave, is the responsibility of designated supervisory personnel.

(4) Requirements for any AWS work schedule:

(a) The employee must request authorization to work an AWS by completing form FD-968, Flexible Work Option Request Form. In executing this form, employees are to complete Section 1 in its entirety. Employees are reminded that no schedule is permanent and that this request will be reviewed on a periodic basis, but no less than once per year.

(b) The request must clearly state the schedule being proposed.

(c) Additional justification for the requested work option may be attached to the form.

(d) Offices should maintain, as a matter of permanent record, any participation in an AWS Program, number of employees participating, number of schedule terminations (reverting to traditional work schedules), reasons for terminations, and any evaluations or studies conducted to determine the impact of these schedules on morale and the effectiveness and efficiency of office operations.

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- (e) A more restrictive use of an AWS may be instituted at any time, including restricting or suspending participation of any individual, group or the entire office depending on a variety of factors, such as office work requirements, performance and production considerations or abuse.
- (f) Program oversight responsibility is situated with the Employee Benefits Unit. Any questions pertaining to AWS Programs should be directed to Employee Benefits Unit.
- (g) Decisions on requests will normally be made within 30 days of the date the request is received by management.
- (h) In addition to termination of a flexible work schedule by management, employees may discontinue participation in a flexible work schedule by notifying their supervisor in writing (using an EC) prior to the end of the pay period.
- (i) The EBU must be provided a "cancelled" copy of the request form (FD-968) when employees discontinue their participation in the flexible work option.

20-8 ODD-HOUR SHIFTS (See MAOP, Part I, 20-7.1, & Part II, 1-2.4.2(2)(g).)

- (1) Odd-hour shifts, i.e., any scheduled working hours different from the regular Monday-through-Friday day shifts, may not be established without prior authority of the SAC or division head. Such shifts are to be authorized only where factual justification is shown that these shifts will enhance the operation of an office, and/or such shifts will provide necessary services at a time beneficial to employees with no interference in the efficient operation of the office. It is the responsibility of each division head to select the best qualified and most deserving employees for assignment to any odd-hour shifts.
- (2) Odd-hour shifts may be approved at the discretion of the SAC or division head for employees who desire same for justifiable reasons. If the shift is established solely at the request of/and benefit for an employee, premium pay will not be paid for work performed on a day or hour of the day for which premium pay would ordinarily be authorized.
- (3) Support personnel may be assigned Saturday duty on a rotating basis to provide for essential services. Employees should be assigned a Tuesday through Saturday workweek for the week they have Saturday duty. When scheduling an employee for a Tuesday through Saturday workweek, the employee must be advised of his/her new shift at least one week in advance.
- (4) The general policy on work schedules is to economize on night differential pay, and to achieve the utmost standardization in the working hours consistent with work requirements of each office and consideration to specific employees' needs.

20-9 WORK PERMITS (FBIHQ)

- (1) Bureau employees under the age of 18 years, with the exception of those who will reach their 18th birthday within a month after they enter on duty, must secure work permits. The names of new employees in this category are automatically tabulated by the Personnel Management Section of the Personnel Division. A schedule is set up for the employee to be interviewed, and a written request for a work permit is furnished to the employee to be presented personally to the Department of School Attendance and Work Permits of the District of Columbia. An employee applying for a work permit must have in his/her possession a birth certificate or attested transcript issued by a registrar of vital statistics or other officer charged with the duty of recording births. In the absence of such a birth certificate, suggestions as to other acceptable proof of birth can be found in Public Law 618-70th Congress, an act to regulate the employment of minors within the District of Columbia.
- (2) The Bureau follows the policy of restricting the assignment of employees under 18 years of age to the regular day shifts. In addition, employees under 18 years of age may not work more than 8 hours in any one day, nor more than 6 days in any one week. Therefore, any hours worked beyond the regular 40-hour

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workweek must be performed on the sixth day rather than on the employee's regular workdays. (See MAOP, Part I, 20-23 (4).)

20-10 TOURS OF DUTY OF WOMEN AND MINORS

Each field office must comply with the provisions of any applicable child labor laws governing the territories under its jurisdiction. Although this Bureau and other Federal agencies are not legally bound by state regulations regarding the employment of females, it is desirable that efforts be made to comply with the provisions of such regulations. Accordingly, the provisions of such regulations should be ascertained and every possible effort should be made toward general compliance. Such compliance should be consistent with the Bureau's best interests. If any conflict with state regulations appears imminent, FBIHQ should be contacted.

20-11 Deleted

20-12 COMPUTATION OF CLERK-AGENT RATIO

In computing the clerk-Agent ratio, personnel are separated into two categories. All Special Agents, including supervisors, ASACs and SACs, comprise one group, and all non-Agent personnel, including clerks, stenographers, Electronics Technicians, etc., the other. Divide the number of Special Agent personnel into the number of clerical personnel and the result is the clerk-Agent ratio. No personnel assigned to an office may be excluded from this computation. Personnel under transfer to an office must be counted in the computation of the office to which they have been transferred after the orders transfer have been received, even if they have not yet reported; and they should be excluded from computation of the office from which transferred, even though they may not have departed on transfer. Personnel resigning or entering on absence for maternity reasons must not be computed in the ratio once their letters indicating such action have been forwarded to FBIHQ and acknowledged. Involuntary separations are not computed in the clerk-Agent ratio after written notification has been approved by FBIHQ and forwarded.

20-13 PENDING WORD PROCESSING WORKLOAD

(1) Deleted

(2) The word processing workload is considered unaddressed (delinquent) when untranscribed for more than seven calendar days. The day that work is received will be counted as day one. If workload becomes excessive, contact should be made with the Word Processing Program Manager, Pocatello Information Technology Center, Pocatello, Idaho, Operations Section, Information Resources Division. (See Correspondence Guide-FBIHQ, 1-11.3.)

20-14 FIREARMS TRAINING OF NONINVESTIGATIVE EMPLOYEES

As a rule only Special Agents receive firearms training from the Bureau. Exceptions are: Electronics Technicians and Security Patrol Clerks on the night and midnight shifts at San Juan, Puerto Rico, and the Security Guard Force at the FBI Academy, Quantico, Virginia.

20-15 SERVICE RECORDS, CREDIT INQUIRIES AND INQUIRIES DIRECTED TO EMPLOYEES

20-15.1 Service Record Inquiries

Inquiries for service records on present or former employees and inquiries concerning indebtedness of in-service employees are handled at FBIHQ. Employees must refrain from expressing either orally or in writing, except to official superiors, any opinion bearing upon the efficiency or standing of former or present

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employees. Individuals making oral inquiries should be referred to FBIHQ for such information and FBIHQ should be advised of the request. Written communications received by the field containing requests for such information should be transmitted to FBIHQ as an enclosure to FD-438a, which is a copy of FD-438 to be used by field to advise the inquirer his/her request has been forwarded to FBIHQ, Washington, D.C., for handling.

20-15.2 Credit Inquiries

The field may verify employment in routine credit inquiries ensuring inquiry is for legitimate reasons. Data supplied should be confined to entrance-on-duty date, salary, and whether support personnel or Agent. Notation that information was provided should be made in personnel file.

20-15.3 Other Inquiries Directed to Employees

For Bureau policy concerning employees providing information or opinions based on personal association with present or former FBI employees and non-FBI acquaintances, see Part I, 1-15.3, and Part II, 10-17.11.2, of this manual.

20-16 REST PERIODS - VENDING MACHINES

(1) Vending machines are permissible if the SAC considers them desirable. Proceeds from vending machines may be retained by the division where they are located and utilized by the office recreation or welfare association. If reports from any office indicate abuses in the use of the machines, consideration will be given to removing them.

(2) A 10-minute rest period may be taken by noninvestigative employees during each 4-hour work period. This rest period is to be limited to employees working within the FBI office. Rest periods may not be taken at the beginning or the end of the workday but should be taken for example, at midmorning and at midafternoon. They should be so scheduled as to ensure an adequate staff is on duty in the office at all times.

20-17 DESIGNATION OF BENEFICIARY (See MAOP, Part I, 18-2.17 & 18-3.17.)

20-17.1 Purpose (See MAOP, Part I, 18-2.17 & 18-3.17.)

During Government employment employees will establish and build up valuable monetary benefits, the disposition of which in the event of death can be controlled by execution of certain beneficiary forms.

20-17.2 Items Involved (See MAOP, Part I, 18-2.17 & 18-3.17.)

These items may involve considerable amounts of money and accordingly employees should clearly understand the effect of the execution of the various beneficiary forms. The things of value referred to relate to:

(1) Money owed to employee in the form of unpaid compensation, such as accrued annual leave, unpaid salary, and expense vouchers, etc.

(2) Money accrued in the Civil Service Retirement System and Federal Employees Retirement System (FERS).

(3) Money payable through coverage under the Federal Employees' Group Life Insurance Act.

20-17.3 Execution of Forms (See MAOP, Part I, 18-2.17 & 18-3.17.)

Each of the items listed in 20-17.2 above requires the execution of a separate beneficiary form (SF-1152, SF-2808 or SF-3102, and SF-2823 respectively), if it is desired that the money be paid in a way which is

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other than the order set forth by existing legislation. A designation, change, or cancellation of beneficiary in a will or other document will have no effect.

20-17.4 Undesignated Beneficiary (See MAOP, Part I, 18-2.17 & 18-3.17.)

It is not necessary that these beneficiary forms be executed, if it is satisfactory for the payment to be made in the prescribed order set forth below:

- (1) To the widow or widower
- (2) If neither of the above, to the child or children in equal shares, with the share of any deceased child distributed among the descendants of that child
- (3) If none of the above, to the parents in equal shares or the entire amount to the surviving parent
- (4) If there be none of the above, to the duly appointed legal representative of the estate of the deceased, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the insured

20-17.5 Annual Reminders (See MAOP, Part I, 18-2.17 & 18-3.17.)

This matter should be a topic discussed annually at Agent and clerical conferences.

20-18 LOST GOVERNMENT CHECKS

- (1) In reporting the loss of a Government check by an employee, the payee must set forth by letter the circumstances surrounding the loss of the check. This letter must show whether the check was endorsed, the payee's home address, and must be signed by the payee.
- (2) Deleted
- (3) If a check has been mailed by FBIHQ but the field office has no record of its receipt, a letter from the SAC or ASAC is all that is necessary.
- (4) All letters should be forwarded to the Payroll Administration and Processing Unit, Accounting Section, FBIHQ, at the earliest possible date. No action can be taken by FBIHQ to place a stop on a lost check or to have a substitute check issued until receipt of the above-described letters.

20-19 INVENTIONS

Whenever any invention is developed by an employee arising out of the latter's official duties or connected in any way with Bureau operations, FBIHQ is to be advised, attention of the headquarters' division most closely concerned or associated with the invention in question.

20-20 PERSONAL APPEARANCE, DRESS AND GROOMING STANDARDS FOR BUREAU EMPLOYEES

20-20.1 Policy

The traditional policy of the FBI is that all employees should have the appearance of business people, both as to dress and grooming. FBI employees should dress in the typical mode of the business and professional communities while on official duty. All male employees, except those who are specifically exempt due to the nature of their duties, should be dressed in business shirts, ties, and trousers suitable for office wear. During certain climatic conditions, SACs of the various field offices and the division heads at FBIHQ may issue instructions that employees who have no exposure to the public are permitted to wear other attire as a substitute to the above mentioned attire. The SAC, as well as division heads, must insure that sufficient restraints are exercised so that employees will not become relaxed to the point where it will be necessary to make adjustments to bring about conformance to the business-professional appearance.

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20-20.2 Appearance Standards

- (1) The manner and style of one's clothing or the manner in which a person wears his or her hair is a matter of individual pride and self-respect. Employees of both sexes are expected to maintain a neat appearance, and to keep their hair clean and well groomed at all times.
- (2) The American people trust and are confident that the FBI will continue to perform in their behalf in an exemplary manner. That degree of trust and confidence was achieved by our outstanding performance of our duties and by the neat, well-groomed appearance we have presented to the American people.
- (3) Although performance can never be estimated or judged by appearance alone, the standards of neatness and grooming adhered to by the men and women of the FBI have created in the minds of the American people an image of faithful and professional performance of duty.
- (4) Accordingly, our appearance has, and will, contribute to the efficiency of our service in behalf of the American people. Therefore, extremes in clothing and in hair length or style are to be avoided.

20-20.3 Regulations

The "FBI Employee Handbook," under grooming and demeanor, outlines the standards expected of support and service personnel of the FBI. Memoranda to all SACs, titled "Personal Appearance of Bureau Employees," 25-75(A) dated June 10, 1975; 38-74(A) dated August 6, 1974, and 47-73(A) dated November 6, 1973, set out the Bureau's traditional posture that all employees should present a businesslike appearance, both as to dress and grooming, while in duty status.

20-21 PERMANENT PART-TIME EMPLOYMENT FOR SUPPORT PERSONNEL (See MIOG, Part 1, 67-1.3; MAOP, Part 1, 20-28.)

Employees who are authorized to work on a part-time basis are subject to the following rules:

- (1) The employee must have a prearranged regularly scheduled tour of duty consisting of an equal or varied number of hours per day.
- (2) The employee's work schedule must be not less than 16 hours or more than 32 hours per week, or less than 32 hours or more than 64 hours in a pay period.
- (3) Part-time employees will be covered under a Federal Retirement System. Retirement annuities are prorated for part-time service performed on or after April 6, 1986.
- (4) Employees will be eligible for coverage under the Federal Employees Group Life Insurance (FEGLI) program, including FEGLI Basic coverage and all available optional coverages, if the positions they hold would otherwise qualify for FEGLI coverage in a full-time tour of duty. Part-time employees who receive less than \$8,000 per year in basic pay will be covered for \$10,000 under FEGLI Basic coverage. When an employee enters FBI service in a part-time position, FEGLI Basic coverage is automatic, with the right to elect any desired FEGLI optional coverage, if the employee holds a position subject to FEGLI coverage, no waiver of FEGLI coverage is in effect from previous employment, and at least 180 days have passed since the employee's previous covered federal civilian service (if any) ended. If fewer than 180 days have passed, the FEGLI coverage in effect (if any) in the employee's previous federal service will automatically be reinstated.
- (5) Employees will be eligible for coverage under the Federal Employees Health Benefits Program (FEHBP). The part-time employee will not receive the full government contribution but a prorated share of the government contribution and the employee must pay the difference of the government contribution. Full-time employees changing to part-time will be eligible to change their enrollment from one health benefit plan to another and must also pay the prorated share of the government contribution. A part-time employee who is in receipt of compensation from the Office of Workers' Compensation Program will be entitled to the full government contribution for FEHBP.

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- (6) The annual and sick leave of an employee will be prorated. For example, employees with less than 3 years of service earn 1 hour of annual leave for each 20 hours worked. With 3 to 14 years of service, employees earn 1 hour of annual leave for each 13 hours worked. Employees earn 1 hour of sick leave for each 20 hours worked.
- (7) Part-time employees will be entitled to military leave. The rate at which such leave accrues is a percentage of the rate prescribed by Title 5, USC, Section 6323, as amended by P.L. 96- 431. The amount of leave is determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee during the fiscal year. No more than 15 days of accrued, unused military leave may be carried over into any fiscal year.
- (8) Part-time employees will be paid for a holiday if it falls on a day of employees' prearranged tour of duty.
- (9) Part-time employees will receive the 10 percent night differential for any portion of their regularly scheduled tour of duty which occurs between 6 p.m. and 6 a.m.
- (10) Part-time employees are not entitled to Sunday premium pay.
- (11) Part-time employees should not work overtime without prior Bureau approval. Overtime is any work performed in excess of 8 hours a day or 40 hours a week, or work performed outside an employee's officially established compressed work schedule.
- (12) Requests from high-grade professionals (above GS 9) to work part time will be considered on an individual basis when special circumstances exist, or when permitting this would be in the best interest of the Bureau.
- (13) In general, permanent part-time employees are entitled to the same overall appeal rights and protections in adverse actions and reduction-in-force proceedings as full-time employees.
- (14) Part-time employees receive a full year of service credit for each calendar year worked for the purpose of computing retirement eligibility, date of career tenure, completion of probationary period, within-grade increases, and change in leave categories. Part-time work is, however, prorated to determine experience for qualification requirements.
- (15) A more restrictive use of part-time work schedules may be instituted at any time, including restricting or suspending participation of any individual or group based upon the critical needs of the division. A part-time schedule may be temporarily suspended for up to two consecutive pay periods, or alternatively, employee(s) may be converted back to permanent full-time status when warranted, provided a full funded staffing level (FSL) slot is available for each employee to be converted.
- (16) Employees converted to part-time status through the reasonable accommodation process may not be converted to full-time until resolution of the reasonable accommodation through appropriate FBI procedures.
- (17) Employees hired directly into a permanent part-time status can be converted to permanent full-time status, provided a full funded staffing level slot is available.

20-22 LUNCH/DINNER PERIODS (See MIOG, Part 1, 67-1.3.)

- (1) Employees are entitled to a lunch/dinner period which is to be scheduled during the middle portion of the employee's tour of duty. This period is not considered a work period for pay purposes but is added to the number of hours actually worked to become their scheduled tour of duty. The purpose of a lunch/dinner period is to provide the opportunity for nourishment and a deviation from work activities; therefore, lunch/dinner periods should not be scheduled at the end of the work shift.
- (2) Part-time employees should also schedule a lunch/dinner break if they work in excess of four hours a day.
- (3) It is not necessary that an employee be permitted to leave the premises during the meal period.

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20-23 TEMPORARY LIMITED EMPLOYMENT FOR STUDENTS

The purpose of this program is to provide on-the-job experience for high school students in their particular vocational field. The FBI benefits from the students' services while they are employed under this program and hopefully gains full-time, fully trained personnel upon their graduation. Employees who are hired under this program are subject to the following:

- (1) The student must be at least 16 years of age, pass necessary tests, and remain enrolled in high school. Prior to taking the oath of office, they must pass a physical examination and appropriate background investigation.
- (2) The students will be released from their schools to work in this program per the regulations of the individual institution.
- (3) Their appointment in this program will not exceed their graduation date.
- (4) They must have a prearranged, regularly scheduled tour of duty. This tour of duty may be 40 hours per week during the summer between their junior/senior year and be converted to part time during the school term (minimum 16 hours/maximum 32 hours per week). (See MAOP, Part 1, 20-9(2).)
- (5) The students are eligible for a GS 3 (entry level clerical) or GS 4 (Office Automation Clerk) position.
- (6) They must meet performance standards set for the position or be subject to removal under inadequate work performance procedures. If the student works full time during the summer, it is recommended a special performance appraisal be submitted prior to conversion to part-time employment.
- (7) Appointees are eligible for coverage under the Federal Insurance Contributions Act (social security). Sick and annual leave is accrued at the rate of one hour for every 20 hours worked. They are paid for a holiday if it falls during their regularly scheduled tour of duty. They receive service credit.

It should be noted the appointees are not eligible for life insurance, health insurance, retirement benefits, or promotional opportunities until such time as they are converted to permanent appointments. They will be considered for the next higher grade level upon conversion, if recommended.
- (8) Appointees hired under the Temporary Limited Employment for Students (TLES) Program are not subject to controlled personnel ceilings. Requests to hire are to be coordinated through the Personnel Resources Unit, Administrative Services Division, to determine if funding is available.
- (9) Restrictions on employment of relatives apply as stated in Manual of Investigative Operations and Guidelines, Part 1, 67-1.4.
- (10) Employees may be converted to full-time career appointments upon graduation provided:
 - (a) the employee can be absorbed within existing Target Staffing Levels;
 - (b) the employee performed at acceptable levels without jeopardizing performance and conduct standards set by the educational institution;
 - (c) the employee provided proof of graduation; and
 - (d) the appropriate management recommendation for conversion.
- (11) Request to hire other than full-time employees - FD- 391 should be used to request to hire part-time employees and students hired under the TLES Program.

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20-24 Deleted

20-25 Deleted (See *Security Policy Manual* at http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm)

20-26 Deleted (See *Security Policy Manual* at http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm)

20-27 GARNISHMENT OF WAGES FOR COMMERCIAL DEBT

On October 6, 1993, Congress enacted Section 9 of Public Law 103-94 which waived the federal government's sovereign immunity to permit compliance with garnishment orders for commercial debts. This law permits the garnishment of federal employees' wages for any debt which is the subject of a legal process from any court of competent jurisdiction (state or federal). This provision was effective February 3, 1994.

20-27.1 Legal Process

- (1) Legal process means any writ, order, summons, or other similar process in the nature of a garnishment.
- (2) Creditors may send interrogatories to the agency and the employee concerning income subject to the act.
- (3) The FBI will honor legal documents submitted for the collection of any legal debt of its employees and for recovery of attorney's fees, interest and court costs. The Act provides that an agency's administrative costs in executing the garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.

20-27.2 Service of Legal Process

- (1) The legal process must be served on the proper agency official, who, upon receipt, will have 15 days to notify the employee.
- (2) The legal process may be served through certified or registered mail or by personal service on the Chief of the Payroll Administration and Processing Unit (PAPU) or Designee, Room 1885, 935 Pennsylvania Avenue, Northwest, Washington, D. C. 20535- 0001. The process service must be served on the Headquarters Unit Chief of PAPU or Designee due to the 15-day legal requirement of notifying the affected employee.
- (3) The legal process will only be accepted if it is accompanied by sufficient information to permit prompt identification of the employee, including the name and Social Security Number of the employee. Additional information such as the date of birth and home address of the employee is desirable.
- (4) Each field division should assign responsibility to the Chief Division Counsel as a point of contact for inquiries from state courts or agencies. Service of the legal process should not be accepted by field divisions.

20-27.3 Compliance With Legal Process

- (1) In most cases, orders of garnishment specify how much is to be taken from an employee's disposable earnings. The FBI is required to honor these orders up to the limits set by the Consumer Protection Credit Act. This law limits the amount of garnishment to up to 25 percent of an employee's disposable earnings. In some jurisdictions, state law establishes different limits; however, the amount of the garnishment will never exceed 25 percent of the employee's disposable earnings. In determining the amount of pay subject to garnishment, the following amounts are excluded from gross pay to determine the disposable earnings:
 - (a) Amounts owed by the employee to the United States.
 - (b) Amounts required by law to be deducted from the employee's pay for the following reason:

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1. Social Security taxes (Medicare and OASDI).
 2. Amounts properly withheld for federal, state or local income tax purposes (the withholding of additional income tax amounts may be permitted only when the employee presents evidence of a tax obligation which supports the additional withholding).
 3. Amounts deducted as health insurance premiums.
 4. Normal retirement contributions (this includes amounts contributed to the Thrift Savings Fund).
 5. Basic life insurance under the Federal Employees' Group Life Insurance (FEGLI) program (all optional life insurance premiums and any life insurance premiums paid for by allotment are not exempt from withholding).
- (2) Any future pay authorization submitted by the employee subject to the garnishment for commercial debts will be evaluated to determine if subject to exemption from withholding.
- (3) The maximum commercial garnishment may not reduce an employee's aggregate disposable income below \$127.50 per week.
- (4) The amount of the biweekly withholding will be revised any time a change in the employee's gross pay occurs, such as a change in grade or salary or additional premium pay earned.
- (5) Child support and alimony orders will take priority over orders for collecting any other debts. If more than one legal process has been effected with respect to an employee, such payments required to be made shall be available to satisfy processes in priority order based on the time of receipt of service, with the process being satisfied out of amounts remaining after satisfaction of all processes which have been previously served.
- (6) An "automatic stay" will occur when any type of bankruptcy is filed that has the effect of ending all commercial garnishments currently in effect.

20-27.4 Notification of Legal Process

Whenever the Unit Chief of PAPU, Finance Division, is effectively served with any process or interrogatories, PAPU shall respond within 30 days after the date of effective service is made, and shall, as soon as possible but not later than 15 days after the date of effective service, send written notice to the affected employee. A written notice that such process has been served, together with a copy thereof, will be forwarded to the personal attention of the affected employee at his or her duty station in a sealed envelope. This notice will stipulate the amount of the garnishment. A copy of this notice will also be forwarded to the personal attention of the employee's division head or Special Agent in Charge and the Unit Chief of the Personnel Security Unit, National Security Division in a sealed envelope. After the legal process has been found sufficient on the face for processing, the employee will receive written notice of the amount that will be withheld biweekly for the garnishment, the date of the salary payment which will include the garnishment deduction and any of the agency's administrative costs added to the garnishment amount.

20-28 PART-TIME SPECIAL AGENT EMPLOYMENT PROGRAM (PTAP) (See MAOP, Part 1, 1-16, 1-16.1, 1-16.2, 20-6, 20-6.1, 20-6.2, 20-6.3, 20-6.3.1, 20-6.3.2.) (Formerly 20-28.1, 20-28.2, 20-28.3, 20-28.4)

(1) GENERAL POLICY STATEMENT: The purpose of the PTAP is to permit Special Agents (SAs) a period of time to alter the pace of their career, while maintaining the ability to remain active in their investigative responsibilities. SAs are limited to no more than ten (10) years in the PTAP contingent on the needs of their offices including the availability of work consistent with their positions and grade levels.

OBJECTIVE: The program's objective is to enhance the worklife and, therefore, the FBI's maintenance of a balanced workforce of SAs by accommodating the needs of those who would benefit from a reduction in the demanding schedule normally required of SAs.

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(2) **QUALIFICATIONS:** In order to qualify for the PTAP, an Agent must:

- (a) Have served at least two years as an SA (NOTE: If the employee is a reinstated SA, he/she must have completed one year in a full-time field assignment in addition to any required retraining at Quantico prior to making a request to enter this program);
- (b) Have received a "Meets Expectations" (ME) performance rating on each of the last two annual Performance Appraisal Reports (PARs);
- (c) Have qualified for Availability Pay (AVP) in conformance with the requirements for AVP (see the Manual of Administrative Operations and Procedures (MAOP), Part 1, 8-1); and
- (d) Not be on probation as the result of an administrative action or in a jeopardy period as a result of a performance issue.

(3) **REQUIREMENTS:**

- (a) Except as set forth herein, part-time Agents (PTAs) are subject to the same rules as support personnel as set forth in the MAOP, Part 1, 20-21.
- (b) If the SA applying for the PTAP is in grade GS-11 or GS-12, he/she will be required to work an equivalent number of hours as comparably situated full-time employees (8 hours a day/40 hours a week) before being considered for promotion.

EXAMPLE: A GS-12 Agent has completed 52 weeks of the 104 weeks (two years from GS-12 to GS-13) specialized experience for promotion to GS-13. The Agent will be working 20 hours per week in the PTAP. Therefore, it will take the Agent 104 weeks (three years total - 52 weeks full time and 104 weeks part-time at 20 hours per week) to complete specialized experience requirements necessary for promotion to GS-13.

(c) PTAs are expected to maintain the ME performance level while in the program. (NOTE: Receipt of a "Does Not Meet Expectations" Warning PAR does not necessitate an immediate return to full-time status; however, the PTA must acknowledge the potential for that action in the event his/her performance does not improve during the opportunity period.)

(d) A PTA may be considered for transfers; however, he/she must be prepared to return to a full-time schedule upon arrival in the new office. Return to part-time status is dependent upon the Agent's needs, submission of a new request and the decision of the division head in the new office.

(e) In crediting time toward transfers, PTAs will receive credit for 50 percent of the months spent in the program.

(4) **PROCEDURES FOR APPLICATION:** The SA applying for the PTAP must submit a written request to the division head stating his/her reason(s) for entry into the program and that he/she meets all of the qualifications for participation. The SA must indicate the number of hours per week he/she intends to work, a proposed biweekly schedule, and the manner in which current assignments will be accomplished. Any perceived impact that entry into the program may have on the SA's squad and/or office must also be addressed.

In the written request, the SA must acknowledge that he/she is aware of the discontinuation of AVP while in a part-time status and that, despite his/her personal circumstances, he/she may be required to return to a full-time schedule based on the needs of the office. The SA must also acknowledge that all specialized experience requirements must be fulfilled before promotion, if any, is considered.

(5) **DIVISION HEAD RESPONSIBILITIES:**

(a) The division head will evaluate and decide on each request to participate in the program on a case-by-case basis, consistent with policy. No division head may establish a blanket policy which discourages Agents from requesting participation in the PTAP.

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(b) If the division head approves the request, he/she must direct appropriate management officials to establish the specific details of the PTA's schedule and work assignments.

(c) If the division head must deny the request, he/she must document the decision in writing, including the specific rationale for the decision, and project a date when a request may be resubmitted.

(d) If a division head must require a PTA to return to a full-time schedule, he/she must advise the Agent, in writing, of the decision and afford at least two weeks notice prior to the effective date for the schedule change to allow the PTA to make any arrangements necessary. Extreme emergencies affecting national security may demand less notice; however, all attempts will be made to consider work life issues before returning the PTA to full-time.

(e) Division heads are required to set annual ticklers to ensure that SAs in the PTAP continue to meet the requirements of the program, that continuing mission requirements are being met, and that the SA's overall period of participation in the PTAP does not exceed the established 10-year limitation.

(6) PROCEDURES FOR APPEAL:

(a) If an SA's request to participate in the program is denied, or if the division head requires the PTA to return to a full-time schedule, the SA may submit a written appeal of the decision to the Section Chief, Personnel Assistance Section, Administrative Services Division.

(b) The appeal package for denial of entry into the PTAP must include a copy of the original PTAP request, a copy of the division head's written decision, and the SA's justification for requesting the reversal of that decision.

(c) The appeal of an instruction to return to a full-time schedule must include a copy of the division head's communication advising of the decision and the specific rationale for it, a copy of any current personal information submitted to the division head in light of the instruction to return to full-time status, and the SA's justification for requesting a reversal of the decision.

(7) ADMINISTRATION:

(a) As with all SAs, the use of the PTAP resources is at the discretion of the division head.

(b) Permanent changes to an individual's schedule require the submission of an SF-52 approximately 30 days prior to the pay period when change is to occur. (NOTE: Schedule changes of a temporary nature, e.g., a week long in-service at the Academy, do not require submission of an SF-52.)

(c) PTAs will be issued or continued on a performance plan consistent with their position and grade, and will be rated on that plan in accordance with the requirements of the Performance Appraisal System.

(d) PTAs will be paid on an hourly basis computed at the current grade and step of the position(s) held while in the PTAP.

(e) PTAs should not normally be scheduled to work overtime. On rare occasions when this may become necessary, contact must be made promptly with the Personnel Policy Unit, Administrative Services Division.

(f) PTAs may serve as relief supervisors, secondary relief supervisors and Assistant Division Counsel, subject to the following:

1. PTAs may not be appointed as secondary relief supervisors unless they work 32 hours per week.

2. A relief supervisor who enters the PTAP will remain in the Executive Development and Selection Program (EDSP) and continue to serve as a relief supervisor, unless the individual submits a written request to be removed from the EDSP.

3. A supervisor is not required to step down from his/her supervisory position when applying for the PTAP; however, he/she must step down before starting to work less than full-time. A supervisor who steps down to enter the PTAP will be assigned nonsupervisory duties, but will remain in the EDSP to serve as a relief supervisor unless the individual submits a written request to be removed from the program. (NOTE:

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Supervisors assigned to FBIHQ or Quantico who step down and enter the PTAP can expect to be assigned to either the Washington or Baltimore Field Office.)

(g) PTAs who wish to return to supervisory positions must compete for advertised vacancies regardless of prior supervisory experience or status. If selected, the PTA MUST return to full-time status.

(h) In the event of a reduction-in-force, PTAs will be covered under regulations published in Title 5, Code of Federal Regulations (CFR), Section 351.

(i) PTAs are counted against a field office/division's funded staffing level (FSL) according to governing resource allocation policy and practice.

(j) PTAs are required to continue to fulfill all administrative requirements, e.g., firearms, legal training, etc.

20-28.1 Revised and Moved to 20-28

20-28.2 Revised and Moved to 20-28

20-28.3 Revised and Moved to 20-28

20-28.4 Revised and Moved to 20-28

**20-29 FBI OCCUPATIONAL SAFETY AND HEALTH PROGRAM (OSHP)
AUTHORITIES AND RESPONSIBILITIES**

(1) The FBI shall provide to all FBI employees Bureauwide a safe and healthful work environment that is free of recognized hazards and is in compliance with all Occupational Safety and Health Administration (OSHA) standards and requirements.

(2) The Director has appointed the Assistant Director (AD), Personnel Division (PD) as the "Designated Agency Safety and Health Official" (DASHO) as described in OSHA regulations; other FBI officials have been appointed "Deputy DASHOs" with sufficient authority to ensure the effective management and administration of the FBI's OSHP.

(3) The Director specifically authorized the designation of a principal FBI SAFETY AND OCCUPATIONAL HEALTH MANAGER (SOHM), who will administer the FBI's OSHP. The FBI Headquarters OSHP Office is located in the PD and is under the supervision of the Section Chief (SC) of the Personnel Assistance Section (PAS).

(4) The FBI requires all FBI facilities (leased or owned) to receive OSH and environmental management audits at least every five years and receive OSH and environmental inspections at least annually, by qualified and authorized OSH inspectors. Special arrangements will be made by the FBI SOHM regarding the inspection of covert facilities.

(5) The Director requires the abatement of unsafe and/or unhealthful working conditions and/or practices related to FBI operations or facilities in a timely manner; and the acquiring, utilization and maintenance of approved personal-protective equipment, approved safety equipment and devices necessary to protect FBI employees.

(6) Performance plans relating to program management for all FBI managerial and supervisory personnel will include a statement regarding OSH responsibilities, as required by DOJ Safety and Health Order 17792A, and the OSHA standard as set forth in Title 29, CFR, Part 1960.

(7) FBI employees will be provided authorized official time to participate in OSH activities.

(8) One goal of the FBI's OSHP is to ensure that no FBI employee is required to perform an assigned task if doing so poses an unacceptable risk of imminent danger of death or serious bodily harm. By the very nature

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of law enforcement work, all FBI employees are exposed to certain workplace hazards. The FBI management officials must minimize these risks through careful and thorough planning, hazard abatement, and implementation of the FBI OSHP in a manner that is consistent with the accomplishment of the FBI mission.

(9) FBI managers and supervisors should ensure that no FBI employee is subject to restraint, coercion, interference, discrimination and/or reprisal for filing a report of an unsafe or unhealthful working condition and/or practice, or for participation in other OSH activities.

(10) The AD, PD, as the FBI DASHO, will ensure the development of a Bureauwide OSHP which will include environmental goals, objectives, and a proactive strategic plan for reducing and/or eliminating occupational accidents, injuries, and illnesses; and establishing a Bureauwide OSH and environmental evaluation system for all FBI operational entities.

(11) The AD, PD, will ensure the development of a set of Bureauwide OSH and environmental priorities with respect to the factors which cause occupational accidents, injuries, and illnesses in FBI workplaces, so that appropriate corrective actions can be taken.

(12) The AD, PD, will establish the FBI Headquarters (HQ) OSHP Office at FBIHQ and that office will be supported by at least four Regional OSHP Offices located in Chicago, Illinois; Houston, Texas; Los Angeles, California; and New York, New York.

(13) The AD, PD, shall ensure that the FBI SOHM builds an adequate staff of full-time professionals to develop, implement, and administer, on a day-to-day basis, a Bureauwide OSHP that is in full compliance with the OSHA standards, fire and building code requirements, Environmental Protection Agency (EPA) requirements, General Service Administration (GSA) facilities standards, and the Uniform Federal Accessibility Standards (UFAS).

(14) The Director has appointed each field and FBIHQ division head and office head to act as a "Deputy DASHO." Each FBI division head and office head shall assist the AD, PD, in developing and implementing a safe and healthful workplace for FBI employees assigned to his/her division.

(15) Each FBI division head and office head shall establish and provide annual written OSH goals and objectives; a proactive strategic plan for reducing and/or eliminating occupational accidents, injuries, and illnesses; and shall establish and provide written OSH priorities annually with respect to the factors which cause occupational accidents, injuries, and illnesses in FBI workplaces within their respective divisions/offices, so that appropriate corrective actions can be taken.

(16) Each FBI division head and office head shall be responsible for ensuring that all OSH reporting and recordkeeping requirements and other OSH documents are maintained and submitted, as necessary or required, to the SOHM. Records must be maintained regarding inspections, audits, up-to-date lists of amounts and chemicals used, stored or destroyed, facility abatement logs, notices to employees regarding safety issues, Occupation Emergency Plans, OSH committee meetings, and safety training.

(17) Annually each FBI division head and office head must ensure that budget submissions include requests for appropriate personnel and nonpersonnel resources necessary to implement and effectively administer his/her specific OSHP. This submission should include all necessary administrative costs such as the cost of abatement of unsafe or unhealthful working conditions and/or practices, OSH training, OSH committee meetings, inspections, investigations, and personal-protective equipment.

(18) Each FBI division head and office head shall be responsible for ensuring that an adequate number of trained Collateral Duty Occupational Safety and Health Officials (CDSHOs) is maintained at all times.

(19) The FBI SOHM will serve as the OSH advisor for the FBI, applying expert knowledge of safety, fire protection and prevention, environmental, and occupational health concepts, principles and laws to all aspects of the FBI OSHP including the establishment and maintenance of Bureauwide OSH policies and programs.

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(20) The FBI SOHM shall develop and provide Bureauwide oversight to OSH educational activities, promoting year-round OSH awareness programs, and shall develop and provide Bureauwide oversight to OSH workplace inspection techniques and programs.

(21) The FBI SOHM shall direct year-round OSH surveys to ensure that FBI workplaces are being properly inspected and that recognized OSH workplace hazardous conditions and practices are being recorded and abated in a timely manner.

(22) The FBI SOHM shall develop OSH job descriptions, duties, and training requirements for CDOSHOs within the FBI.

(23) The FBI SOHM shall develop and provide Bureauwide oversight to accident investigations in the workplace.

(24) The FBI SOHM shall develop and provide Bureauwide oversight to an OSH Workplace Tracking System that will document the results of OSH workplace activities (i.e., abatement projects, accident investigations, OSH employee training requirements, environmental incidents, OSHA violations and written OSHA citations, OSH complaints filed by FBI employees, OSH inspections and surveys, etc.) for specific divisions and offices.

(25) All FBI employees who exercise managerial and/or supervisory functions will, to the extent of their authority, be requested to furnish FBI employees a place of employment, which is free from recognized hazards that are likely to cause death or serious physical harm and to report all FBI facility fires, hazardous material spills, gas leaks, etc., to the FBI SOHM, and to their respective division heads within 24 hours of the first notification of the reported emergency. Managers must ensure that FBI employees are made aware of their right to report unsafe and unhealthful working conditions and/or practices to their immediate supervisor and/or appropriate FBI OSH officials without fear of restraint, coercion, interference, discrimination, and/or reprisal.

(26) All FBI employees are expected to comply with all OSH practices, requirements, rules, and regulations outlined and issued by the SOHM.

(27) All FBI employees will be required to use the safety and personal-protective equipment necessary for their protection and will observe other OSH policies, programs, and procedures as provided or directed by the FBI management.

(28) All FBI employees are responsible for reporting unsafe and unhealthful working conditions and/or practices to their immediate supervisor and/or an appropriate FBI OSH official.

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